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C/O4V002 Incoming
cc: Jim Dana gk



United States
Department of
Agriculture

Forest
Service

Manti-La Sal
National Forest

Supervisor's Office
599 West Price River Drive
Price, UT 84501
Phone # (435) 637-2817
Fax # (435) 637-4940

File Code: 2820-4

Date: March 12, 2008

Jim Smith
Utah Division of Oil, Gas and Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, UT 84114-5801

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DIV. OF OIL, GAS & MINING

Dear Jim:

My staff has reviewed the "Summary Report of the 2007 Investigation and Proposed Mitigation Activities, North Water Spring and Joes Mill Pond Areas", dated November, 2007. I appreciate SUFCO's continuing efforts to evaluate the site and develop mitigations. Hopefully we can continue working together until the riparian ecosystem is restored to a fully-functioning, self-sustaining system.

The following are our comments on the report:

1. The discussion on pages 10-11 of Attachment 1 states that the total flow in the East Fork of Box Canyon Creek has been maintained since undermining. However, the last presentation made by Steve Fluke, DOGM Hydrologist, at a Coal Manager's Meeting, indicated that the flow has partially recovered. Figure 6 of Attachment 10 shows that the overall flow has not recovered since a high in 2002. Based on this report, there seems to be insufficient data to say that the total flow in the East Fork of Box Canyon has been maintained.
2. It is important to the resources we manage on the National Forest to maintain flow through the entire drainage, not just maintain the total output at the bottom of the canyon. The riparian ecosystems are at risk due to the loss of flow through the alluvium in the upper portion of the drainage.
3. Table 2 of Attachment 1 shows that the depth to water in all the piezometers has continued to drop through October, 2007. Does this mean that the water level in the North Water area is continuing to drop due to loss through fractures in the Castlegate sandstone, is it due to drought, or a combination of the two? If the water level in the alluvium is continuing to drop, it is unlikely that flow through the alluvium can be restored until the loss of water is stopped. Monitoring must continue so that a more accurate assessment of the situation can be made.
4. The proposed mitigation should contain a description of how the proposed collection and pipeline system would be maintained and funded. This is especially important if this system remains in place after the SUFCO Mine is closed.
5. The proposed mitigation, if successful, will be an interim mitigation. The lease contains the following stipulation:



The Lessees, at their expense, will be responsible to replace any surface and/or developed groundwater sources identified for protection, that may be lost or adversely affected by mining operations, with water from an alternate source in sufficient quantity and quality to maintain existing riparian habitat, fishery habitat, livestock and wildlife use, or other land uses (authorized by 36 CFR 251).

The proposed mitigation is to collect water from near the impacted area to maintain livestock use, and possibly some wildlife use, of the area. The Lessee is not replacing the lost water from an alternate source in "sufficient quantity and quality" to maintain the riparian habitat, wildlife, and other uses. Therefore, the Forest Service position is that SUFCO is currently not satisfying this stipulation. The preferred mitigation will be to restore the ecosystem to a fully-functioning level by some method that does not require maintenance. If maintenance is required, SUFCO will have to develop a perpetual maintenance system at their expense. Again, I appreciate SUFCO's past efforts and look forward to working with them to solve this issue.

Please contact Dale Harber, Forest Geologist, at (435) 636-3548 if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Howard Sargent". The signature is written in black ink and is positioned above the printed name and title.

HOWARD SARGENT
Forest Supervisor